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U.S. Department of Justice,
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

RAYMOND C. GIVENS,

Plaintiff,

v.

WALLACE OENGA,

Defendant.

No. 3:19-cv-00043-HRH

**MOTION FOR LIMITED APPEARANCE BY THE UNITED STATES FOR
PURPOSES OF SEEKING RECONSIDERATION**

The United States hereby moves for a limited appearance in this action for the limited purposes of seeking reconsideration of the Court's August 14, 2020, order against the Office of the Special Trustee for American Indians ("OST"), an agency of the United States and a non-party to this action, and seeking a stay pending resolution of the United States' motion for reconsideration. The United States seeks reconsideration on the basis

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that this Court does not have jurisdiction to order the relief that it did against OST—that is ordering OST to disburse funds from Defendant’s Individual Indian Money account. Such limited or special appearance shall not be construed as waiving any arguments that the United States has with regard to its sovereign immunity or this Court’s lack of jurisdiction. Indeed, courts have routinely recognized that a sovereign’s limited appearance in legal proceedings does not waive claims to sovereign immunity. *See e.g., United States v. United States Fidelity & Guaranty Co.*, 309 U.S. 506 (1940); *see also Oklahoma Tax Comm’n v. Citizen Band Potawatomi Tribe of Okla.*, 498 U.S. 505 (1991); *Lapides v. Bd. of Regents of Univ. Sys. of Georgia*, 535 U.S. 613, 623, (2002); *Kansas v. United States*, 249 F.3d 1213, 1220 (10th Cir. 2001); *Zych v. Wrecked and Abandoned Vessel*, 960 F.2d 665, 667-68 (7th Cir. 1992).

RESPECTFULLY SUBMITTED, on August 21, 2020.

ERIC GRANT

Deputy Assistant Attorney General
U.S. Department of Justice,
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s/ JoAnn Kintz

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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2020, a copy of the foregoing was served on:

Raymond C. Givens (electronically via the Court's CM/ECF system)

Wallace Oenga (via FedEx)

s/ JoAnn Kintz
U.S. Department of Justice